



April 6, 2007

ENGROSSED HOUSE BILL No. 1115

DIGEST OF HB 1115 (Updated April 3, 2007 3:34 pm - DI 106)

Citations Affected: IC 15-5; noncode.

Synopsis: Stray dogs. Provides that an owner of a dog commits a Class C infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog. Defines coydog (a coyote-dog hybrid) and wolf hybrid, and makes it a Class B infraction if the owner of the coydog or wolf hybrid does not keep the animal in a secure enclosure or on a leash under the control of an individual. If the owner knowingly or intentionally fails to comply with the secure enclosure or leash requirements, it is: (1) a Class B misdemeanor if the wolf hybrid or coydog causes damage to livestock or personal property; (2) a Class A misdemeanor if the owner has one prior unrelated conviction for a violation of the secure enclosure or leash provision; (3) a Class D felony if the owner has more than one prior unrelated conviction for a violation of the secure enclosure or leash provision, or if the owner's failure to comply results in serious bodily injury to a person; and (4) a Class C felony if the failure to comply results in the death of a person. Permits a unit to prohibit the possession of a coydog or wolf hybrid, to impose more stringent conditions on the possession of a wolf hybrid or coy dog, and to provide an increased (civil) penalty for a violation of the secure enclosure or leash provisions.

Effective: July 1, 2007.

Duncan, Kersey

(SENATE SPONSORS — JACKMAN, SIPES)

January 8, 2007, read first time and referred to Committee on Agriculture and Rural Development.

February 15, 2007, amended, reported — Do Pass.

February 19, 2007, read second time, ordered engrossed. Engrossed.

February 20, 2007, read third time, passed. Yeas 81, nays 13.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

April 5, 2007, amended, reported favorably — Do Pass.

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April 6, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1115

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-5-12-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An owner of a
3 dog commits a Class C misdemeanor if the owner recklessly,
4 knowingly, or intentionally fails to take reasonable steps to restrain the
5 dog and:
6 (1) the dog enters property other than the property of the dog's
7 owner; and
8 (2) as the result of the failure to restrain the dog, the dog bites or
9 attacks another person resulting in unprovoked bodily injury to
10 the other person;
11 except as provided in subsection (b).
12 (b) The offense under subsection (a) is:
13 (1) a Class B misdemeanor if the person has been convicted of
14 one (1) previous unrelated violation of this section;
15 (2) a Class A misdemeanor if:
16 (A) the person has been convicted of more than one (1)
17 previous unrelated violation of this section; or

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- (B) the violation results in serious bodily injury to a person;
- (3) a Class D felony if the owner recklessly violates this section and the violation results in the death of a person; and
- (4) a Class C felony if the owner intentionally or knowingly violates this section and the violation results in the death of a person.

(c) An owner of a dog commits a Class C infraction if the owner of the dog allows the dog to stray beyond the owner's premises, unless the dog is under the reasonable control of an individual or the dog is engaged in lawful hunting and accompanied by the owner or a custodian of the dog.

SECTION 2. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) The following definitions apply throughout this section:**

(1) "Coydog" means:

(A) an animal that is the offspring of a coyote and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a coyote and another animal; and

(ii) another animal.

(2) "Secure enclosure" means an outdoor pen that is:

(A) roofed or that has sides at least six (6) feet tall; and

(B) constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape.

(3) "Wolf hybrid" means:

(A) an animal that is the offspring of a wolf and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a wolf and another animal; and

(ii) another animal.

(b) An owner of a wolf hybrid or coydog commits a Class B infraction if the owner:

(1) fails to keep the animal in a building or secure enclosure; or

(2) does not keep the animal under the reasonable control of an individual on a leash not more than eight (8) feet in length.

An owner who tethers or chains a coydog or wolf hybrid does not comply with this subsection.

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(c) An owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:

- (1) the wolf hybrid or coydog enters property other than the property of the owner; and
- (2) the wolf hybrid or coydog causes damage to livestock or the personal property of another individual.

(d) The offense under subsection (c) is:

- (1) a Class A misdemeanor if the owner has one (1) prior unrelated conviction under this section;
- (2) a Class D felony if:

(A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or

(B) the person knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and

- (3) a Class C felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) A unit (as defined in IC 36-1-2-23) may adopt an ordinance:

- (1) prohibiting a person from possessing a wolf hybrid or coydog; or

(2) imposing:

(A) a penalty greater than a Class B infraction for violating the provisions of subsection (b); or

(B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection (b).

SECTION 3. [EFFECTIVE JULY 1, 2007] IC 15-5-12-3.5, as added by this act, applies only to crimes committed after June 30, 2007.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1115 as introduced.)

PFLUM, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 11, delete "However, this subsection does not".

Page 2, delete lines 12 through 13, begin a new paragraph and insert:

"SECTION 2. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) The following definitions apply throughout this section:**

(1) "Coydog" means:

(A) an animal that is the offspring of a coyote and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a coyote and another animal; and

(ii) another animal.

(2) "Secure enclosure" means an outdoor pen that is:

(A) roofed or that has sides at least six (6) feet tall; and

(B) constructed in such a manner that the type of animal contained within the pen cannot reasonably be expected to escape.

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(3) "Wolf hybrid" means:

(A) an animal that is the offspring of a wolf and another animal; or

(B) an animal that is the offspring of:

(i) an animal that is the offspring of a wolf and another animal; and

(ii) another animal.

(b) An owner of a wolf hybrid or coydog commits a Class B infraction if the owner:

(1) fails to keep the animal in a building or secure enclosure; or

(2) does not keep the animal under the reasonable control of an individual on a leash not more than eight (8) feet in length.

An owner who tethers or chains a coydog or wolf hybrid does not comply with this subsection.

(c) An owner of a wolf hybrid or coydog commits a Class B misdemeanor if the owner recklessly, knowingly, or intentionally fails to comply with subsection (b) and:

(1) the wolf hybrid or coydog enters property other than the property of the owner; and

(2) the wolf hybrid or coydog causes damage to livestock or the personal property of another individual.

(d) The offense under subsection (c) is:

(1) a Class A misdemeanor if the owner has one (1) prior unrelated conviction under this section;

(2) a Class D felony if:

(A) the owner has more than one (1) prior unrelated conviction for a violation under this section; or

(B) the person knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in serious bodily injury to a person; and

(3) a Class C felony if the owner knowingly, intentionally, or recklessly fails to comply with subsection (b) and the failure to comply results in the death of a person.

(e) A unit (as defined in IC 36-1-2-23) may adopt an ordinance:

(1) prohibiting a person from possessing a wolf hybrid or coydog; or

(2) imposing:

(A) a penalty greater than a Class B infraction for violating the provisions of subsection (b); or

(B) conditions on the possession of a wolf hybrid or coydog that are more stringent than the provisions of subsection

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(b).

SECTION 3. [EFFECTIVE JULY 1, 2007] IC 15-5-12-3.5, as added by this act, applies only to crimes committed after June 30, 2007."

and when so amended that said bill do pass.

(Reference is to HB 1115 as printed February 16, 2007.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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